

August 29, 2006

Colonel Paul L. Grosskruger  
District Engineer  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232  
(Attn: Eric Gasch)

FWS Log No: 41910-2006-I-0856

Dear Colonel Grosskruger:

Based on further review and discussions, the U.S. Fish and Wildlife Service (Service) is modifying the first "Term and Condition" in our August 1, 2005, biological opinion (FWS Log Number 05-1845), for the proposed sand placement on Egmont Key located in Hillsborough County, Florida.

The project will maintenance dredge approximately 750,000 cubic yards of material from Egmont Channel, Tampa Harbor and Mullet Key Channel. Dredged material will be pumped to the western shoreline on Egmont Key from R Monument 2 to R Monument 10. Shoal material will be transported by barge or hopper dredge to Egmont Key where it will be pumped onto the beach below mean high water. The fill material will be similar in both coloration and grain size distribution to the native beach. The fill material will be free of construction debris, rocks, or other foreign matter and will not contain, on average, greater than 10 percent fines (i.e., silt and clay) (passing the #200 sieve) and will not contain, on average, greater than 5 percent coarse gravel or cobbles, exclusive of shell material (retained by the #4 sieve).

The Service conducted a site visit to Egmont Key on July 7, 2006. On August 24, 2006, the Service received an e-mail from Eric Gasch, a representative of the Corps. The email stated that placement of sand will be at a minimum width of 100 feet and a maximum width of 200 feet in front of the dead trees. The Service has determined that due to the wide beach in front of the dead trees, the dead trees do not need to be removed. However, all other debris will be removed before sand placement. All other parts of the original biological opinion (FWS Log Number 05-1845) will remain the same.

The modified term and condition will be as follows:

1. Rubble within the area of sand placement must be removed prior to sand placement. All fill material placed must be sand that is similar to a native beach in the vicinity of the site that has not been affected by prior renourishment activities. The fill material must be similar in both coloration and grain size distribution to the native beach. All such fill material must be free of construction debris, rocks, or other foreign matter and must not contain, on average, greater than 10 percent fines (i.e., silt and clay) (passing the #200 sieve) and must not contain, on average, greater than 5 percent coarse gravel or cobbles, exclusive of shell material (retained by the #4 sieve).

The Service has determined that incidental take will be limited to the 8000 linear feet of beach that have been identified for sand placement. The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed action. The Service believes that no more than the following types of incidental take will result from the proposed action: (1) destruction of all nests that may be constructed and eggs that may be deposited and missed by a nest survey and egg relocation program within the boundaries of the proposed project; (2) destruction of all nests deposited during the period when a nest survey and egg relocation program is not required to be in place within the boundaries of the proposed project; (3) reduced hatching success due to egg mortality during relocation and adverse conditions at the relocation site; (4) harassment in the form of disturbing or interfering with female turtles attempting to nest within the construction area or on adjacent beaches as a result of construction activities; (5) disorientation of hatchling turtles on beaches adjacent to the construction area as they emerge from the nest and crawl to the water as a result of project lighting; (6) behavior modification of nesting females due to escarpment formation within the project area during a nesting season, resulting in false crawls or situations where they choose marginal or unsuitable nesting areas to deposit eggs; and (7) destruction of nests from escarpment leveling within a nesting season when such leveling has been approved by the Service. The amount or extent of incidental take for sea turtles will be considered exceeded if the project results in more than a one-time placement of sand on the 8000 linear feet of beach that have been identified for sand placement or if the terms and conditions are not followed. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. The Corps must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

## **REINITIATION OF SECTION 7 CONSULTATION**

This concludes formal consultation on the action outlined in the request. As provided in 50 CFR Section 402.16, reinitiation of formal consultation is required when discretionary Federal agency involvement or control over the action has been retained and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this biological opinion, (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this biological opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation. For further coordination please contact Ann Marie Lauritsen at (904) 232-2580 ext. 111 of this office.

Sincerely,

David L. Hankla  
Field Supervisor

Cc: Jim Kraus- Chassahowitzka NWR

